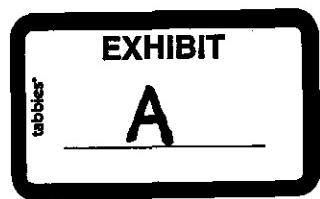


GERHARDSTEIN BRANCH & LAUFMAN
A Legal Professional Association
617 Vine Street, Suite 1409
Cincinnati OH 45202
(513) 621-9100



EXHIBIT

PHILECIA BARNES
Cincinnati OH

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Interim Statement

		Hours
08/12/2003	JLB Telephone conference with client re: judgment and appeal	0.50
	JLB Draft supplemental fee petition and declaration	1.30
08/25/2003	JLB General Issues review motion for stay, respond, discuss with Gus and AAG	0.50
08/26/2003	JLB Draft memo in opp to Stay motion, research fee jurisdiction once appeal filed	3.00
08/27/2003	JLB Draft memo opp to Stay, research fee issue	2.20
08/29/2003	JLB Draft read mediation statement and send same to client	0.20
09/03/2003	AAG Draft edits to memo opposing stay and review motion and rules	0.20
09/04/2003	JLB Draft amended motion, create PDF attachments, file, serve defendant	0.50
09/09/2003	JLB Draft issues for appeal, review transcript order form with AAG,	1.20
09/24/2003	AAG Trial/hearing - PREP FOR AND PARTICIPATE IN SIXTH CIR MEDIATION	3.80
	JLB General Issues attend mediation, t/c with client	2.50
	JLB Telephone conference with	0.60

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		Hours
09/30/2003	JLB Telephone conference with client re: settlement options	0.40
10/02/2003	JLB Telephone conference with Steve Lazarus re: reprimand, mtg with AAG re settlement,	0.20
10/07/2003	JLB Office conference with AAG re: settlement, draft ltr to client (1)	1.50
	JLB Research reversal rates	1.10
10/19/2003	JLB Draft ltr to cl re: mediation	0.90
10/20/2003	LC2 Research - adding to chart reviewing 6th Cir. jury verdicts for employee/plaintiffs - cd	5.80
10/21/2003	JLB Telephone conference with client re: mediation	0.50
10/22/2003	LC2 Research - finished chart for JB about reversal rates of Title VII cases in the 6th Cir. - cd	2.00
12/01/2003	JLB Draft mediation plan, t/c with client, email to AI	2.10
12/02/2003	AAG General Issues - prep for mediation	0.20
	JLB General Issues prepare for mediation, read Title VII and EP cases,	7.90
	AAG General Issues - prep for and participate in barnes mediation	5.00
12/04/2003	LC2 General Issues -- picked up trial transcript from Dlott's chambers -- bmcg	0.50
12/08/2003	JLB Draft ltr to Rita/Rick re: extension	0.50
12/09/2003	AAG Draft edit to letter to Rita re sett	0.20
12/16/2003	AAG General Issues - conf with jb re strategy	0.30
	AAG Telephone conference with rita	0.10
12/29/2003	JLB Telephone conference with Rod McFaul re: mediation status	0.20

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		Hours
12/30/2003	JLB Draft revised demand to City	0.20
12/31/2003	AAG General Issues - review issues with branch, decide on settlement strategy	0.70
	AAG Telephone conference with rita re settlement	0.20
01/05/2004	JLB General Issues read city's reply on fees	0.30
01/06/2004	JLB Research atty fees issues raised in City's brief, draft reply brief	6.10
	JLB Telephone conference with client, read annual evaluation	0.10
01/07/2004	AAG Draft edits to reply memo on fees, review exibit	0.30
	JLB Draft edit reply brief	0.30
01/26/2004	PAR General Issues -2 copies of appellant brief for AG and JB -160 copies	0.40
01/29/2004	PAR General Issues -copy Barnes brief for client -80 pgs	0.10
	PAR Research -look for criminal record	0.10
	PAR Telephone call to SZ	0.10
	PAR General issues-file in storage	1.00
02/01/2004	JLB General Issues read City's brief and make notes, email to AG re strategy	1.00
02/02/2004	JLB Review client documents brief and draft law clerk assignments	0.30
	JLB Office conference with clerk re: research assignments on appeal	0.40
	LC2 Research -- was city's objection to jury instruction 18 timely? - DS	1.00
	LC Research on evidentiary issues for appellate brief. EQS	6.50
02/03/2004	LC Evidentiary research and memo regarding harmless error and hearsay. -eqs	4.50
02/06/2004	LC Research -- Barnes; timely objections to jury instructions -- DS	6.00
02/09/2004	LC2 General Issues - review brief of defense and outline our response	1.70
	JLB Office conference with AAG re: outline of appeal brief	0.40
	JLB Draft letter to editor	0.10
	JLB Draft lawclerk assignment re: index transcript	0.10
	LC2 Revised harmless error and evidentiary research. Began binding and	

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		Hours
	indexing district court trial testimony. -- EQS	4.00
02/10/2004	LC2 Indexed trial and Barnes's testimony--EQS	6.00
02/11/2004	JLB Telephone conference with Rod re: City's non response, email to AG	0.20
02/20/2004	JLB Draft motion for extension of time	0.40
	LC2 Discovery - index philecia barnes transcript- dld	4.00
02/23/2004	JLB Draft ltr to client re tieger ltr	0.10
02/27/2004	JLB Review client documents read fee decision, discuss with AI, ltr to City and mediator, ltr to client	1.00
02/28/2004	JLB Telephone conference with client re: fee ruling	0.20
03/02/2004	LC2 Discovery - indexed Barnes testimony- dld	3.50
03/05/2004	LC2 Discovery - indexed Barnes' testimony- dld	2.00
03/25/2004	AAG Draft edits to appeals brief	3.70
03/26/2004	JLB Draft brief on merits appeal, research issues, review trial transcript	11.50
03/27/2004	JLB Research and draft brief	12.60
03/28/2004	JLB Draft brief, edit law section, research same, draft facts, read transcript	13.40
	AAG Draft edits to brief	4.60
03/29/2004	AAG Draft edits to proof brief	4.80
	JLB Draft and edit facts, add Tr. cites to facts	5.70
	AAG Draft EDITS TO BRIEF	1.50
	PAR Draft brief cites	5.70
	JLB Draft add Tr cites and proofread final brief	6.50
03/30/2004	PAR Draft designation of appendix	0.30

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		Hours
04/01/2004	JLB Draft response to motion for stay	2.20
04/15/2004	LC Update attorney fee research- RJM	2.50
04/16/2004	LC Update case law research on attorney fees- RJM	2.00
04/23/2004	PAR General Issues -retreiveing documents for opposing counsel	1.70
04/28/2004	JLB Research read 2d cir case	0.40
05/18/2004	LC Research Atty. Fee Rates	0.40
	JLB General Issues fix jt appendix cites	0.50
05/19/2004	PAR Draft -Joint appendix designations in Brief	3.50
05/20/2004	PAR Discovery-citing appendix cites in brief	0.10
05/21/2004	PAR Draft -inserting joint appendix cites into rbrief, proof reading brief	3.30
06/01/2004	JLB Research read Smith decision - send to client	1.00
06/07/2004	JLB Telephone conference with Ganulin re supplemental authority	0.20
06/13/2004	JLB Draft brief on fees for 6th cir, research same	9.10
06/14/2004	PAR Discovery -work on final merits, fee appeal brief -insert appendix cites, proof-read, prepare TOC, TOA, make copies for filing at courthouse	5.30
	JLB Draft edit brief	5.10
	JLB Telephone conference with client	0.50
	LC Proofread and cite checked brief- KR	3.00
06/15/2004	PAR General Issues -copy and mail brief to client	0.20
	LC Cite checked fees brief- KR	0.80

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		Hours
06/16/2004	LC	Edited Final Brief and TOA- KR
06/17/2004	PAR	Draft -draft letter and prepare mailing for city solicitor's office
07/21/2004	PAR	Discovery -insert Joint Appendix cites into final brief, check TOC and TOA, copy of record for brief for opposing counsel
07/28/2004	PAR	Draft -prepare final brief with indexes and tables
08/12/2004	PAR	Discovery -insert record facts and cases into brief
08/18/2004	PAR	Draft -cover sheets, TOC, TOA, Disclosure sheet for fee brief
08/19/2004	PAR	Draft-review appeal brief for grammar, citations, and prepare final brief for filing
08/20/2004	PAR	General Issues -prepare copies of brief for filing
	PAR	Draft -cover letter for fee brief sent to Gus
	PAR	General Issues -filing brief at courthouse
08/24/2004	PAR	General Issues -copy of case law
10/26/2004	AAG	General Issues - telephone conference with theresa Bertke 6th circ about arg order; respond to court form
11/18/2004	JLB	Draft supplemental authorities
11/20/2004	JLB	Draft supplemental authorities
12/02/2004	AAG	General Issues - prep for argument
	AAG	General Issues - prep arg
	AAG	General Issues - prep for argument
12/03/2004	JLB	Trial/hearing attend 6th Cir. argument
	JLB	Meeting with client re: appeal, draft ltr to client
	AAG	Trial/hearing - prep for and participate in oral arg of appeal and meet

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		Hours
	briefly with client	4.00
12/08/2004		
AAG	Draft text supp authority letter	0.30
03/08/2005		
AAG	Draft edits to supp authority letter	0.50
03/24/2005		
JLB	Draft press release	0.20
06/20/2005		
LC	Research SC cert deadlines and filing requirements. HP	0.60
07/26/2005		
AAG	Telephone conference with tax attorney re options on verdict and fee	0.70
08/04/2005		
AAG	General Issues - meet with client	0.30
08/05/2005		
AAG	Telephone conference with	
08/21/2005		
JLB	Draft settlement ltr to rita	0.70
JLB	Research cert opposition briefs	0.50
09/06/2005		
JLB	Review client documents read cert petition, outline response, ltr to Client,	2.00
09/19/2005		
LC2	Research - cert issues- Jeff B	1.00
LC2	Research - cert issues- Jeff B	0.40
LC2	Research - cert issue- JB	0.80
LC2	Research - cert issues- Jeff B	2.10
09/20/2005		
LC2	Draft - memo re: cert issues	2.30
JLB	Telephone conference with public citizen litigation group	0.20
09/21/2005		
AAG	General Issues - review cert petition and email from JB and send email to resource person	0.50
09/24/2005		
JLB	Draft cert opp petition	6.80
09/30/2005		
JLB	Telephone conference with PILG attorney re: 2d opinion on cert opp	0.60
JLB	Draft edit cert petition opp	0.50

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		Hours
10/02/2005		
JLB	Draft edits to Memo opp cert petition	2.30
JLB	Draft edit S Ct opp brief	0.40
10/03/2005		
AAG	Draft edits to cert petition response	1.40
LC2	Research - preponderance standard- cert brief- Jeff B	1.50
LC2	Draft- revise/cite check cert opp brief- Jeff B	2.60
JLB	Draft edit brief	0.40
JLB	Draft edit brief	1.50
10/04/2005		
JLB	Draft final edit	0.20
JLB	Telephone conference with mirna smith, create TOA	0.40
JLB	Draft proof printer'd edition of brief	0.90
10/05/2005		
LC2	Draft/revise/fax cert brief- Jeff B	1.50
JLB	Draft final brief with printer - we are good to go!	0.40
10/10/2005		
JLB	Telephone conference with client re: S.Ct. appeal	0.40
10/13/2005		
JLB	Review client documents review and edit time records, draft motion for fees	1.30
11/07/2005		
AAG	General Issues - conf jennifer re fee petition, review fee petition and develop negot strategy	0.30
JLB	Research post judgment interest, edit motion for appeal fees.	1.40
JLB	Telephone conference with client re: S.Ct. decision	0.40
11/08/2005		
JLB	Draft edit fee petition	0.20
JLB	Draft edit declaration	0.10
	For Current Services Rendered	<u>270.70</u>
		<u>51,870.00</u>

RECAPITULATION

	Hours	Hourly Rate	Total
Gerhardstein, A.A.	38.40	\$350.00	\$13,440.00
Law Clerk	26.10	50.00	1,305.00
Law clerk 2	42.70	50.00	2,135.00
Jennifer Branch	131.90	250.00	32,975.00
LAW CLERK (NO CHARGE)	0.60	0.00	0.00
PARALEGAL	31.00	65.00	2,015.00

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12/11/2003	Appeal transcript - Betty J. Schwab	1,199.35
09/14/2004	BIND 6TH CIR BRIEFS - MMP PRINTING MINUTE MAN PRESS	7.49
08/16/2005	Professional Services - Tax advice - THE GARRETSON LAW FIRM	460.00
10/14/2005	Professional Services - printing of S.Ct. brief - COCKLE PRINTING COMPANY	331.16
10/20/2005	Overnight Mail - 3 packages - UNITED PARCEL SERVICE	86.55
11/04/2005	Professional Services- COCKLE PRINTING CO. - PRINTING OF S.CT. BRIEF	455.00
	TOTAL EXPENSES	2,539.55
	TOTAL CURRENT WORK	54,409.55
	Balance Due	<u>\$54,409.55</u>